

Kansas Administrative Regulations

Department of Corrections

Article 5.—Inmate Management

44-5-115. Service fees.

(a) Each inmate in the custody of the secretary of corrections shall be assessed a charge of one dollar each payroll period, not to exceed \$12.00 per year, as a fee for administration by the facility of the inmate's trust account. The facility shall be authorized to transfer the fee from each inmate's account from the balance existing on the first of each month. If an inmate has insufficient funds on the first of the month to cover this fee, the fee shall be transferred as soon as the inmate has sufficient funds in the account to cover the fee. All funds received by the facility pursuant to this subsection shall be paid on a quarterly basis to the crime victims' compensation fund.

(b)(1) Each offender under the department's parole supervision, conditional release supervision, postrelease supervision, house arrest, and interstate compact parole and probation supervision in Kansas shall be assessed a supervision service fee of a maximum of \$30.00 per month. This fee shall be paid by the offenders to the department's designated collection agent or agents. Payment of the fee shall be a condition of supervision. All fees shall be paid as directed by applicable internal management policy and procedure and as instructed by the supervising parole officer.

(2) A portion of the supervision service fees collected shall be paid to the designated collection agent or agents according to the current service contract, if applicable. Twenty-five percent of the remaining amount collected shall be paid on at least a quarterly basis to the crime victims' compensation fund. The remaining balance shall be paid to the department's general fees fund for the department's purchase or lease of enhanced parole supervision services or equipment including electronic monitoring, drug screening, and surveillance services.

(3) Indigent offenders shall be exempt from this subsection, as set forth by criteria established by the secretary in an internal management policy and procedure.

(4) The fees authorized by subsection (d) shall not be considered a portion of the monthly supervision service fee.

(c) Each inmate in the custody of the secretary of corrections shall be assessed a fee of \$2.00 for each primary visit initiated by the inmate to an institutional sick call. A primary visit shall be the initial visit for a specific complaint or condition. Inmates shall not be charged for the following:

- (1) Medical visits initiated by medical or mental health staff;
- (2) institution intake screenings;
- (3) routinely scheduled physical examinations;
- (4) clinical service reports, including reports or evaluations requested by any service provider in connection with participation in the reentry program;
- (5) evaluations requested by the prisoner review board;
- (6) referrals to a consultant physician;
- (7) infirmary care;
- (8) emergency treatment, including initial assessments and first-aid treatment for injuries incurred during the performance of duties on a work detail or in private industry employment;
- (9) mental health group sessions;
- (10) facility-requested mental health evaluations;
- (11) follow-up visits initiated by medical staff; and
- (12) follow-up visits initiated by an inmate within 14 days of an initial visit.

No inmate shall be refused medical treatment for financial reasons. If an inmate has insufficient funds to cover the medical fee, the fee shall be transferred as soon as the inmate has sufficient funds in the account to cover the balance of the fee.

(d) Each inmate assigned to a batterers intervention program shall be assessed a fee for admission to and continued participation in the program.

(e) Each offender shall be assessed a fee for each urinalysis or other test approved by the secretary of corrections that is administered to the offender for the purpose of determining the use of illegal substances and that has a positive result. The amount of the fee shall be adjusted periodically to reflect the actual cost of administering these tests, including staff participation.

(f) Each inmate or offender shall be assessed a fee, if applicable, for the following:

(1) Global positioning system (GPS) tracking;

(2) electronic or any other appropriate form of monitoring;

(3) an application for transfer under the interstate compact for adult offender supervision;

(4) polygraph examinations;

(5) community residential bed housing;

(6) sexual abuser's treatment services; and

(7) batterers intervention program services.

The fee for each service specified in this subsection shall be assessed only if the service is required as a part of house arrest or postincarceration release supervision.

If applicable, each offender on postincarceration release supervision or house arrest shall also be assessed a fee for the collection of specimens of blood and saliva for the purpose of providing DNA profiles to the Kansas bureau of investigation, pursuant to K.S.A. 21-2511 and amendments thereto.

(Authorized by K.S.A. 2011 Supp. 21-6609, as amended by L. 2012, Ch. 172, §29, K.S.A. 2011 Supp. 75-5210, K.S.A. 2011 Supp. 75-5251, K.S.A. 75-52,139; implementing K.S.A. 2011 Supp. 21-6609, as amended by L. 2012, Ch. 172, §29, K.S.A. 2011 Supp. 22-3717, as amended by L. 2012, Ch. 150, §43, K.S.A. 75-52,139; effective Jan. 3, 1995; amended, T-44-3-19-04, March 19, 2004; amended July 2, 2004; amended March 23, 2012; amended Feb. 1, 2013.)

***** Authenticated Kansas Administrative Regulation *****